

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CITAK & CITAK, DONALD CITAK and
BURTON CITAK,

Plaintiffs,

Civil Action No.: 07 CIV 5459

-against-

THE ST. PAUL TRAVELERS COMPANIES,
INC. a/k/a ST. PAUL FIRE AND MARINE
INSURANCE COMPANY,

**REPLY DECLARATION OF
JONATHAN R HARWOOD IN
SUPPORT OF DEFENDANT'S
MOTION TO DISMISS COMPLAINT**

Defendant.

JONATHAN R. HARWOOD, being duly sworn, deposes and says:

1. I am an attorney admitted to practice in the State of New York and before the United States District Court for the Southern District of New York. I am a member of the law firm of Traub Lieberman Straus & Shrewsbury LLP, attorneys for defendant The St. Paul Travelers Companies, Inc. a/k/a St. Paul Fire and Marine Insurance Company ("St. Paul"). As such, I am familiar with the facts, pleadings and prior proceedings in the instant matter.

2. I submit this reply declaration in support of St. Paul's motion to dismiss the complaint.

3. A true and correct copy of a letter from counsel for plaintiffs dated August 1, 2007 is annexed hereto as Exhibit A.

4. A true and correct copy of an October 9, 2007 decision issued by Justice Eileen A. Rakower if the Supreme Court of the State of New York, County of New York in an action

entitled *Marton v. Citak & Citak, et al.*, Index No. 116472/06, is annexed hereto as Exhibit B.

Dated: Hawthorne, New York
March 10, 2008

TRAUB LIEBERMAN STRAUS & SHREWSBERRY LLP

By: 
Jonathan R. Harwood (JRH 9060)

Mid-Westchester Executive Park
Seven Skyline Drive
Hawthorne, New York 10532
(914) 347-2600
Attorneys for Defendant

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)
) ss.:
COUNTY OF WESTCHESTER)

Christina Golino, being duly sworn, deposes and says:

That deponent is not a party to the within action and is over 18 years of age.

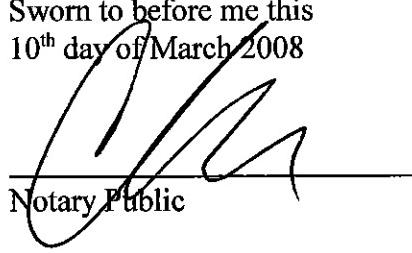
That on the 10th day of March 2008, deponent served the within **REPLY DECLARATION OF JONATHAN R. HARWOOD IN FURTHER SUPPORT OF DEFENDANT'S MOTION TO DISMISS** upon the attorney(s) for the respective party(ies) in this action, at the address listed below, such address designated by said attorney for that purpose via **Electronic Case Filing System**.

TO: Peter Wessel, Esq.
Law Office of Peter Wessel, PLLC
270 Madison Avenue, Suite 1203
New York, New York 10016
Mineola, New York 11501
E-mail: Peterwessel@wessellaw.com



CHRISTINA GOLINO

Sworn to before me this
10th day of March 2008



Notary Public

CHRISTOPHER RUSSO
NOTARY PUBLIC, STATE OF NEW YORK
NO. 02RU6128715
QUALIFIED IN WESTCHESTER COUNTY
COMMISSION EXPIRES JUNE 13, 2001